

September 25, 2024

Via ECF Filing

Honorable Taryn A. Merkl, U.S.M.J.

United States District Court

Eastern District of New York

225 Cadman Plaza East

Brooklyn, New York 11201

Clerk's Office
Filed Date: Received on October 1, 2024 JVC
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN OFFICE

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Re: Prose Plaintiff Erika Herrera v. Hillside Auto Mall Inc., et al., No. 1:21-cv-4943
(FB)(TAM) Joint Status Report dated September 25, 2024

On August 6, the parties participated in a mediation session. Unfortunately, no agreement was reached that day, because all the factors that make up this claim were not taken into account, important facts that were previously discussed with the mediator and the lawyers who accompanied me during the session were ignored. The ignored facts, which have sufficient evidence, are the following:

- The sale of a vehicle that did not have a used title but a salvage title.
- Insurance made with a false VIN to achieve the respective sale.
- Obtaining a vehicle loan with Capital One with false information about both the vehicle and my financial situation.
- Paying a downpayment at the Liberty Autoland dealer and picking up the vehicle two days later at the Hillside Auto dealer as a new seller.
- Recognizing via WhatsApp that it was a seller's mistake and doing nothing about it.
- Non-delivery of the title.
- 13 changes in the carfax from the day of the sale to today.
- Accusation from the other party that I had declared the car as salvage at the time of registration when I moved to New Jersey without any insurance claimed or police report or evidence certifying this according to DMV reports, an act that is impossible without any verifiable reason, and they gave me names to contact of DMV people in NY and New Jersey who claimed that I had done it myself, an act that I ignored because there is no proof in this regard.

The above was discussed for 3 months with the lawyers with strong evidence and at the time of the proposals 3 proposals were made that were very opposite to the aforementioned.

After this the mediator requested 30 more days to wait for another proposal from the other party but after this, 3 proposals similar to those previously presented were received without reaching any agreement but to extend the time without any reason.

The parties were unable to reach an agreement but I have expressed my desire to reach a conciliation in good faith to Mr. Oleg Mestechkin, with the intention of resolving this matter and we can review all my claims with the strong evidence that I possess and with the clarity that this process deserves.

Respectfully submitted,

/s/ Erika Herrera

Prose Plaintiff

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